

2005-11

>>> "Brown, Elwood" <EBrown@stclaircounty.org> 11/29/2010 10:48 AM >>>

I write to comment on the proposed modification of Cannon 5 of the Code of Judicial Conduct.

The proposed changes to what is identified in the proposal as Cannon 5 C. appears to be inconsistent and I believe will result in confusion to judges when trying to determine the limits of their involvement with charitable or civic organizations.

The Cannon prohibits using the prestige of office to solicit funds for the organization, yet the proposed language appears to allow a judge to be used as a featured speaker at and to appear on the program of an organizations fund raising event. I can see no other purpose for an organization to want to use a judge as a speaker or to feature the judge on a program of a fund raising event, than to use the prestige of that office to enhance the attendance at the event and the goal of raising more money.

It seems to me that if the Cannon simply prohibited a judge from personally soliciting funds the proposed language would not be as confusing. The Cannon however also prohibits the judge from using the prestige of office to help the organization solicit funds yet the proposed language seems to allow the prestige of the judges office to be used precisely for that purpose.

This Cannon is already the source of some confusion for judges because of the language allowing a judge to participate in a general appeal but prohibiting the use of the prestige of the judges office to be used to solicit funds. Where the line is drawn between a general appeal and the use of the prestige of the judge's office is already a problem. The proposed language would seem to exacerbate that problem.

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